



Judy Martz, Governor

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October 16, 2002

Brian L. Clarke  
RBC Enterprises, LLC  
P.O. Box 216  
Victor, MT 59875

Dear Mr. Clarke:

Air Quality Permit #3216-00 is deemed final as of October 16, 2002, by the Department of Environmental Quality (Department). This permit is for the operation of a portable crushing/screening facility. All conditions of the Department's decision remain the same. Enclosed is a copy of your permit with the final date indicated.

For the Department,

David L. Klemp  
Air Permitting Supervisor  
Air & Waste Management Bureau  
(406) 444-3490

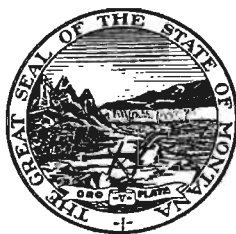
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Enclosure

Montana Department of Environmental Quality  
Permitting and Compliance Division

Air Quality Permit #3216-00

RBC Enterprises, LLC  
P.O. Box 216  
Victor, MT 59875

October 16, 2002



## AIR QUALITY PERMIT

Issued To: RBC Enterprises, LLC  
P.O. Box 216  
Victor, MT 59875

Permit: #3216-00  
Application Complete: 08/19/02  
Preliminary Determination Issued: 09/11/02  
Department's Decision Issued: 09/27/02  
Permit Final: 10/16/02  
AFS: #777-3216

An air quality permit, with conditions, is hereby granted to RBC Enterprises, LLC (RBC) pursuant to Sections 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.701, *et seq.*, as amended, for the following:

### SECTION I. Permitted Facilities

- A. Permitted Equipment: RBC owns and operates a portable crushing/screening facility. A complete list of the permitted equipment is contained in Section I.A. of the permit analysis.
- B. Plant Location: Permit #3216-00 applies while operating at any location within Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program. *A Missoula County air quality permit is required for locations within Missoula County, Montana.* The RBC crushing/screening facility would initially locate in the Northwest ¼ of Section 7, Township 7 North, Range 20 West in Ravalli County, Montana.

### SECTION II. Conditions and Limitations

#### A. Emission Limitations

- 1. RBC shall not cause or authorize to be discharged into the atmosphere from the Inertia Horizontal Impact Crusher, the Trio 3-Deck Screen Plant, the Barber Green Screen, and any other associated equipment any visible emissions that exhibit an opacity of 20% or greater averaged over 6-consecutive minutes (ARM 17.8.304 and ARM 17.8.715).
- 2. Water and spray bars shall be available on site at all times and operated as necessary to maintain compliance with the opacity limitation in Section II.A.1 (ARM 17.8.710 and ARM 17.8.715).
- 3. RBC shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308 and ARM 17.8.715).
- 4. RBC shall treat all unpaved portions of the haul roads, access roads, parking lots, or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section II.A.3 (ARM 17.8.710 and ARM 17.8.715).
- 5. Crushing production shall not exceed 1,095,000 tons during any rolling 12-month time period (ARM 17.8.710).
- 6. Total Screening production shall not exceed 1,533,000 tons during any rolling 12-month time period (ARM 17.8.710).

7. If the permitted equipment is used in conjunction with any other equipment owned or operated by RBC, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month period. Any calculations used to establish production levels shall be approved by the Department of Environmental Quality (Department) (ARM 17.8.710 and ARM 17.8.715).

B. Testing Requirements

1. The Department may require testing (ARM 17.8.105).
2. All compliance source tests shall conform to the requirements of the Montana Source Test Protocol and Procedures manual (ARM 17.8.106).

C. Operational Reporting Requirements

1. If this crushing/screening plant is moved to another location, an Intent to Transfer Form must be sent to the Department. In addition, a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area to which the transfer is to be made, at least 15 days prior to the move. The Intent to Transfer Form and the proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.734).
2. RBC shall supply the Department with annual production information for all emission points, as required by the Department in the annual emission inventory request. The request will include, but not be limited to, all sources of emissions identified in the emission inventory contained in the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in the units required by the Department. This information may be used for calculating operating fees, based on actual emissions from the facility, and/or to verify compliance with permit limitations (ARM 17.8.505).

3. RBC shall notify the Department of any construction or improvement project conducted, pursuant to ARM 17.8.705(l)(r), that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit.

The notice must be submitted to the Department, in writing, 10 days prior to startup or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.705(l)(r)(iv). (ARM 17.8.705)

4. RBC shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. The records compiled in accordance with this permit shall be maintained by RBC as a permanent business record for at least 5 years following the date of the measurement, must be available at the plant site for inspection by the Department, and must be submitted to the Department upon request (ARM 17.8.710).

5. RBC shall document, by month, the crushing production of the facility. By the 25<sup>th</sup> day of each month, RBC shall total the crushing production of the facility during the previous 12 months to verify compliance with the limitation in Section II.A.5. A written report of the compliance verification shall be submitted along with the annual emissions inventory (ARM 17.8.710).
6. RBC shall document, by month, the total screening production of the facility. By the 25<sup>th</sup> day of each month, RBC shall sum the total screening production of the facility during the previous 12 months to verify compliance with the limitation in Section II.A.6. A written report of the compliance verification shall be submitted along with the annual emissions inventory (ARM 17.8.710).

D. Notification

RBC shall provide the Department with written notification of the actual startup date of the crushing/screening facility within 15 days after the actual startup date of the facility (ARM 17.8.710).

SECTION III. General Conditions

- A. Inspection – RBC shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections or surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.
- B. Waiver – The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if RBC fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations – Nothing in this permit shall be construed as relieving RBC of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided for in ARM 17.8.701, *et seq.* (ARM 17.8.717)
- D. Enforcement – Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401, *et seq.*, MCA.
- E. Appeals – Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The filing of a request for a hearing postpones the effective date of the Department's decision until conclusion of the hearing and issuance of a final decision by the Board. The Department's decision on the application is not final until 15 days have elapsed and there is no request for a hearing under this section.
- F. Permit Inspection – As required by ARM 17.8.716, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.

- G. Permit Fee – Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by RBC may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.
- H. Construction Commencement – Construction must begin within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall be revoked (ARM 17.8.731).
- I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.
- J. RBC shall comply with the conditions contained in this permit while operating at any location in Montana, except within those areas that have a Department approved permitting program.

Permit Analysis  
RBC Enterprises, LLC  
Permit #3216-00

I. Introduction/Process Description

A. Permitted Equipment

RBC Enterprises, LLC (RBC) owns and operates a portable crushing/screening facility. Equipment used at the facility includes, but is not limited to the following:

1. (1) Inertia Horizontal Impact Crusher (125 ton/hour maximum capacity)
2. (1) TRIO 3-Deck Screen Plant (125 ton/hour maximum capacity)
3. (1) Barber Green Screen/Conveyor (50 ton/hr maximum capacity)
4. (1) Caterpillar Diesel Generator (300 Kilowatt (kW) maximum capacity)
5. Associated equipment

B. Source Description

For a typical operational setup, a front-end loader or similar piece of equipment dumps aggregate into a feeder. The feeder transports the aggregate to the Inertia Horizontal Impact Crusher. From the crusher, the material is conveyed to the TRIO 3-Deck Screen Plant to be sorted to size. The material is either conveyed back to the crusher or to a stockpile. The Barber Green Screen/Conveyor is not set up in series with the rest of the plant. The Barber Green Screen/Conveyor is used for small jobs where the aggregate is not required to be crushed prior to being screened.

II. Applicable Rules and Regulations

The following are partial explanations of some applicable rules and regulations that apply to the facility. The complete rules are stated in the Administrative Rules of Montana (ARM) and are available, upon request, from the Department of Environmental Quality (Department). Upon request, the Department will provide references for location of complete copies of all applicable rules and regulations or copies where appropriate.

A. ARM 17.8, Subchapter 1 – General Provisions, including, but not limited to:

1. ARM 17.8.101 Definitions. This rule includes a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
2. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment, and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.
3. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

RBC shall comply with the requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.

4. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation or to continue for a period greater than 4 hours.
5. ARM 17.8.111 Circumvention. (1) No person shall cause or permit the installation or use of any device or any means that, without resulting in reduction of the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner as to create a public nuisance.

B. ARM 17.8, Subchapter 2 – Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate Matter
5. ARM 17.8.223 Ambient Air Quality Standard for PM<sub>10</sub>

RBC must maintain compliance with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 – Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.
2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, RBC shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
3. ARM 17.8.309 Particulate Matter, Fuel Burning Equipment. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter caused by the combustion of fuel in excess of the amount determined by this section.
4. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.
5. ARM 17.8.322 Sulfur Oxide Emissions--Sulfur in Fuel. This rule requires that no person shall burn liquid, solid, or gaseous fuel in excess of the amount set forth in this section.



6. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). This facility is not an NSPS affected source because the crusher's maximum rated design capacity is less than 150 tons per hour (40 CFR 60, Subpart 000).
- D. ARM 17.8, Subchapter 5 – Air Quality Permit Application, Operation and Open Burning Fees, including, but not limited to:
1. ARM 17.8.504 Air Quality Permit Application Fees. This rule requires that an applicant submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. RBC submitted the appropriate permit application fee for the current permit action.
  2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department; the air quality operation fee is based on the actual or estimated actual amount of air pollutants emitted during the previous calendar year.  
  
An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules, such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions that pro-rate the required fee amount.
- E. ARM 17.8, Subchapter 7 – Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:
1. ARM 17.8.701 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
  2. ARM 17.8.704 General Procedures for Air Quality Preconstruction Permitting. This air quality preconstruction permit contains requirements and conditions applicable to both construction and subsequent use of the permitted equipment.
  3. ARM 17.8.705 When Permit Required--Exclusions. This rule requires a facility to obtain an air quality permit or permit alteration if they construct, alter or use any air contaminant sources that have the potential to emit greater than 5 tons per year of any pollutant. RBC has the potential to emit more than 5 tons per year of particulate matter, PM<sub>10</sub>, NO<sub>x</sub>, and CO; therefore, a permit is required.
  4. ARM 17.8.706 New or Altered Sources and Stacks--Permit Application Requirements. This rule requires that a permit application be submitted prior to the installation, alteration or use of a source. RBC submitted the required permit application for the current permit action.
  5. ARM 17.8.707 Waivers. ARM 17.8.706 requires that a permit application be submitted 180 days before construction begins. This rule allows the Department to waive this time limit. The Department hereby waives this time limit.

6. ARM 17.8.710 Conditions for Issuance of Permit. This rule requires that RBC demonstrate compliance with applicable rules and regulations before a permit can be issued. Also, a permit may be issued with such conditions as are necessary to assure compliance with all applicable rules and standards. RBC demonstrated compliance with all applicable rules and standards as required for permit issuance.
  7. ARM 17.8.715 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability, which is technically practicable and economically feasible, except that Best Available Control Technology (BACT) shall be utilized. The required BACT analysis is included in Section III of this permit analysis.
  8. ARM 17.8.716 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.
  9. ARM 17.8.717 Compliance with Other Statutes and Rules. This rule states that nothing in the permit shall be construed as relieving RBC of the responsibility for complying with any applicable federal or Montana statute, rule, or standard, except as specifically provided in ARM 17.8.701.
  10. ARM 17.8.720 Public Review of Permit Applications. This rule requires that the applicant notify the public, by means of legal publication in a newspaper of general circulation in the area affected by the application for permit. RBC submitted an affidavit of publication of public notice for the August 23, 2002, issue of the *Ravalli Republic*, a newspaper of general circulation in the Town of Hamilton in Ravalli County, as proof of compliance with the public notice requirements.
  11. ARM 17.8.731 Duration of Permit. An air quality permit shall be valid until revoked or modified as provided in this subchapter, except that a permit issued prior to construction of a new or altered source may contain a condition that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
  12. ARM 17.8.733 Modification of Permit. An air quality permit may be modified for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack that do not result in an increase of emissions because of those changed conditions. A source may not increase its emissions beyond those found in its permit unless the source applies for and receives another permit.
  13. ARM 17.8.734 Transfer of Permit. (1) This rule states that an air quality permit can be transferred from one location to another if written notice of Intent to Transfer is sent to the Department. (2) This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.
- F. ARM 17.8, Subchapter 8 - Prevention of Significant Deterioration of Air Quality, including, but not limited to:
1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this subchapter.

2. ARM 17.8.818 Review of Major Stationary Sources and Major Modification--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the Federal Clean Air Act (FCAA) that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source since it is not a listed source and the facility's potential to emit is less than 250 tons per year of any pollutant (excluding fugitive emissions).

- G. ARM 17.8, Subchapter 12 – Operating Permit Program Applicability, including, but not limited to:
  1. ARM 17.8.1201 Definitions. (23) Major Source under Section 7412 of the FCAA is defined as any stationary source having:
    - a. Potential to Emit (PTE) > 100 tons/year of any pollutant
    - b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule, or
    - c. PTE > 70 tons/year of PM<sub>10</sub> in a serious PM<sub>10</sub> nonattainment area.
  2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #3216-00 for RBC, the following conclusions were made.
    - a. The facility's PTE is less than 100 tons/year for any pollutant.
    - b. The facility's PTE is less than 10 tons/year for any one HAP and less than 25 tons/year of all HAPs.
    - c. This source is not located in a serious PM<sub>10</sub> nonattainment area.
    - d. This facility is not subject to any current NSPS.
    - e. This facility is not subject to any current NESHAP standards.
    - f. This source is not a Title IV affected source nor a solid waste combustion unit.
    - g. This source is not an EPA designated Title V source.

Based on these facts, the Department determined that RBC will be a minor source of emissions as defined under Title V.

### III. BACT Determination

A BACT determination is required for each new or altered source. RBC shall install on the new or altered source the maximum air pollution control capability which is technically practicable and economically feasible, except that BACT shall be utilized. A BACT analysis was conducted for particulate matter, PM<sub>10</sub>, NO<sub>x</sub>, CO, and SO<sub>x</sub> emissions resulting from the operation of RBC's crushing/screening facility.

All visible emissions from any equipment shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes. In addition, if the permitted equipment is used in conjunction with any other equipment owned or operated by RBC, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period.

Water and spray bars shall be available on site at all times and operated as necessary to maintain compliance with the opacity limitations. In addition, RBC shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter. Reasonable precautions will consist of treating all unpaved portions of the haul roads, access roads, parking lots, and the general plant area with water and/or chemical dust suppressant, as necessary, to control emissions of airborne particulate matter. The Department determined that using water spray bars, water, and/or chemical dust suppressant to maintain compliance with the opacity limitations and reasonable precautions requirements constitutes BACT in this case.

Due to the relatively small amount of particulate matter, PM<sub>10</sub>, NO<sub>x</sub>, CO, and SO<sub>x</sub> emissions resulting from the operation of the portable generator and the cost of controlling the pollutants, add-on pollution control equipment would be cost prohibitive. Therefore, the Department determined that no additional controls will constitute BACT for the diesel generator in this case. The control options selected contain control equipment and control costs comparable to other recently permitted similar sources and are capable of achieving the appropriate emission standards.

#### IV. Emission Inventory

Lb/Day						
Source	TSP	PM <sub>10</sub>	NO <sub>x</sub>	VOC	CO	SO <sub>x</sub>
Inertia Horizontal Impact Crusher (125 tons per hour)	1.37	0.66	0.00	0.00	0.00	0.00
TRIO 3-Deck Screen Plant (125 tons per hour)	8.62	4.11	0.00	0.00	0.00	0.00
Material transfer (125 tons per hour)	8.73	4.22	0.00	0.00	0.00	0.00
Pile Forming (125 tons per hour)	4.60	2.19	0.00	0.00	0.00	0.00
Bulk Loading (125 tons per hour)	2.30	1.10	0.00	0.00	0.00	0.00
Barber Green Screen/Conveyor (50 tons per hour)	3.45	1.64	0.00	0.00	0.00	0.00
Barber Green Material Transfer (50 tons per hour)	0.32	0.15	0.00	0.00	0.00	0.00
Barber Green pile forming (50 tons per hour)	1.84	0.88	0.00	0.00	0.00	0.00
Barber Green Bulk Loading (50 tons per hour)	0.92	0.44	0.00	0.00	0.00	0.00
Caterpillar Diesel Generator (300 kW)	3.88	3.88	54.62	4.35	11.77	3.61
Haul Roads	2.74	1.23	0.00	0.00	0.00	0.00
<b>Total</b>	<b>38.76</b>	<b>20.48</b>	<b>54.62</b>	<b>4.35</b>	<b>11.77</b>	<b>3.61</b>

- A complete emission inventory for Permit #3216-00 is on file with the Department.

V. Air Quality Impacts

Permit #3216-00 is issued for the operation of a portable crushing/screening plant to be initially located in the Northwest ¼ of Section 7, Township 7 North, Range 20 West in Ravalli County, Montana. Permit #3216-00 will cover the facility while operating at any location within Montana, excluding those areas that have a Department approved permitting program. In the view of the Department, the amount of controlled emissions generated by the facility will not exceed any set ambient standard. In addition, this source is portable and any air quality impacts will be minimal and widespread. Conditions were placed in Permit #3216-00 to minimize impacts from the portable crushing/screening facility.

VI. Taking or Damaging Implication Analysis

As required by 2-10-101 through 105, MCA, the Department conducted a private property taking and damaging assessment and determined that there are no taking or damaging implications.

VII. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act, was completed for this project. A copy is attached.

DEPARTMENT OF ENVIRONMENTAL QUALITY  
Permitting and Compliance Division  
Air and Waste Management Bureau  
P.O. Box 200901, Helena, Montana 59620  
(406) 444-3490

FINAL ENVIRONMENTAL ASSESSMENT (EA)

*Issued To:* RBC Enterprises, LLC  
P.O. Box 216  
Victor, Montana 59875

*Air Quality Permit number:* 3216-00

*Preliminary Determination Issued:* 09/11/02  
*Department Decision Issued:* 09/27/02  
*Permit Final:* 10/16/02

1. *Legal Description of Site:* The crushing/screening plant would operate at various locations within Montana. Permit #3216-00 would allow the portable crushing/screening plant to operate in areas not in or within 10 km of PM<sub>10</sub> nonattainment areas.

Typically, the crushing/screening operation would move to a general site location, or open cut pit, which has been previously permitted through the Industrial and Energy Minerals Bureau (IEMB). If this were the case, an EA would have been conducted for the site and would be found in the Mined Land Reclamation Permit for that specific site.

2. *Description of Project:* The current permit action would allow the operation of a portable crushing/screening plant to operate at various locations throughout Montana. Typically, crushing/screening facilities process sand and gravel to be used in various construction industries by crushing/screening aggregate to the appropriate size. The process description for the facility is discussed in more detail in Section I.B. of the permit analysis of Permit #3216-00.
3. *Objectives of Project:* The objective of the project would be to generate business and revenue for the company. Permit #3216-00 would allow RBC to operate the permitted equipment at various locations within Montana.
4. *Alternatives Considered:* In addition to the proposed action, the Department also considered the "no-action" alternative. The "no-action" alternative would deny issuance of the air quality preconstruction permit to the proposed facility. However, the Department does not consider the "no-action" alternative to be appropriate because RBC demonstrated compliance with all applicable rules and regulations as required for permit issuance. Therefore, the "no-action" alternative was eliminated from further consideration.
5. *A Listing of Mitigation, Stipulations, and Other Controls:* A listing of the enforceable permit conditions and a permit analysis, including a BACT analysis, would be contained in Permit #3216-00.
6. *Regulatory Effects on Private Property:* The Department considered alternatives to the conditions imposed in this permit as part of the permit development. The Department determined that the permit conditions are reasonably necessary to ensure compliance with applicable requirements and demonstrate compliance with those requirements and do not unduly restrict private property rights.

7. The following table summarizes the potential physical and biological effects of the proposed project on the human environment. The “no action alternative” was discussed previously.

		Major	Moderate	Minor	None	Unknown	Comments Included
A.	Terrestrial and Aquatic Life and Habitats			X			yes
B.	Water Quality, Quantity, and Distribution			X			yes
C.	Geology and Soil Quality, Stability, and Moisture			X			yes
D.	Vegetation Cover, Quantity, and Quality			X			yes
E.	Aesthetics			X			yes
F.	Air Quality			X			yes
G.	Unique Endangered, Fragile, or Limited Environmental Resource			X			yes
H.	Demands on Environmental Resource of Water, Air, and Energy			X			yes
I.	Historical and Archaeological Sites				X		yes
J.	Cumulative and Secondary Impacts			X			yes

SUMMARY OF COMMENTS ON POTENTIAL PHYSICAL AND BIOLOGICAL EFFECTS: The following comments have been prepared by the Department.

A. Terrestrial and Aquatic Life and Habitats

Terrestrials and aquatic life would use the areas where the crushing/screening facility would operate. While deposition of pollutants would occur, as explained in Section 7.F. of this EA, due to the relatively small size and temporary nature of the operation, dispersion characteristics of pollutants and the atmosphere, and conditions placed in Permit #3216-00, any impacts from the deposition of pollutants would be minor. In addition, as explained in Section 1 of this EA, crushing/screening operations typically locate within a previously disturbed open-cut pit that is normally used for such activities. Therefore, only minor additional physical effects on terrestrial and aquatic life and habitats would be expected from site disturbance.

B. Water Quality, Quantity, and Distribution

Although there would be an increase in air emissions in the areas where the crushing/screening facility would operate, there would be little, if any impacts on water quality, quantity, and distribution because of the relatively small size and temporary nature of the operation. While deposition from air emissions would occur, the Department determined that any impacts from deposition would be minor. As described in Section 7.F. of this EA, due to the relatively small amount of emissions and conditions placed in Permit #3216-00, the impacts from the air emissions from the crushing/screening facility would be minor.

Further, water would be required for dust suppression. However, because of the relatively small size and temporary nature of the operation, only minor amounts of water would be required for adequate dust suppression. Therefore, any impacts on water quality, quantity, or distribution would be minor.

### C. Geology and Soil Quality, Stability, and Moisture

There would be minor impacts to the geology and soil quality, stability, and moisture in the areas where the crushing/screening plant would operate due to facility construction (bringing the various pieces of equipment on site and setting the equipment up for operation), increased vehicle traffic (employees coming to and from work, haul trucks leaving and returning to the site, and mobile equipment used to move material and product around the site), the use of water to control dust, and deposition of pollutants resulting from the crushing/screening operations. However, any impacts to the geology and soil quality, stability, and moisture from facility construction, increased vehicle traffic, and the use of water to control dust would be minor due to the relatively small size and temporary nature of the crushing/screening facility. As explained in Section I of this EA, crushing/screening operations typically locate within previously disturbed open-cut pits that are normally used for such activities. In addition, any impacts to the geology and soil quality, stability, and moisture from deposition of pollutants would also be minor. As explained in Section 7.F. of this EA, the relatively small size and temporary nature of the operation, dispersion characteristics of pollutants and the atmosphere, and conditions placed in Permit #3216-00 would minimize the impacts from deposition. Overall, the impacts to the geology and soil quality, stability, and moisture due to facility construction, increased vehicle traffic, the use of water to control dust, and deposition of pollutants would be minor.

### D. Vegetation Cover, Quantity, and Quality

There would be minor impacts on the vegetative cover, quantity, and quality because small amounts of vegetation would likely be disturbed from construction and operation of the crushing/screening facility. However, as explained in Section 1 of this EA, crushing/screening operations typically locate within a previously disturbed open-cut pit that is normally used for such activities. Therefore, any physical effects on vegetation cover, quantity, and quality would be minor because the area would typically already be disturbed and further disturbance of the site would not be expected. While deposition of pollutants would occur on the surrounding vegetation, as explained in Section 7.F. of this EA, the Department determined that due to the relatively small size and temporary nature of the operation, dispersion characteristics of pollutants and the atmosphere, and conditions placed in Permit #3216-00, any impacts from deposition would be minor. Also, because the water usage would be minimal (as described in Section 7.B. of this EA) and the associated soil disturbance would be minor (as described in Section 7.C. of this EA) corresponding vegetative impacts would also be minor.

### E. Aesthetics

The crushing/screening facility would be visible and would create additional noise in the areas where it would operate. Permit #3216-00 would include conditions to control emissions, including visible emissions, from the crushing/screening facility. In addition, as explained in Section 1 of this EA, crushing/screening operations typically locate within a previously disturbed open-cut pit that is normally used for such activities. Because the crushing/screening plant is relatively small, temporary, and seasonal, and the fact that the areas where the facility would operate are typically used for such activities, any aesthetic impact to any given area of operation would be minor and would usually reflect impacts that are common to a given area.

### F. Air Quality

Air quality impacts from the crushing/screening facility would be minor because the crushing/screening facility would be relatively small. Deposition of pollutants would occur as a result of operating the crushing/screening facility. However, the Department determined that any



air quality impacts from deposition would be minor due to dispersion characteristics of pollutants (stack height, stack temperature, etc.), the atmosphere (wind speed, wind direction, ambient temperature, etc.) and conditions placed in Permit #3216-00. Permit #3216-00 would include conditions limiting the opacity from the plant. In addition, Permit #3216-00 would include conditions requiring reasonable precautions be taken to control emissions from haul roads, access roads, parking lots, and the general work area. The Department determined that the crushing/screening facility would be a minor source of emissions as defined under the Title V Operating Permit Program because the facility's potential to emit is below the major source threshold level of 100 tons per year for any regulated air pollutant. Further, Permit #3216-00 would also limit total emissions from the crushing/screening facility and any additional RBC equipment operated at the same site to 250 tons per year or less.

#### G. Unique Endangered, Fragile, or Limited Environmental Resources

The Department Contacted the Montana Natural Heritage Program, National Resource Information system (NRIS) in an effort to identify any species of special concern associated with the proposed location. NRIS identified *salvelinus confluentus* (bull trout), *oreohelix* (kitchen creek mountain snail), *rotala ramosior* (toothcup), *centunculus minimus* (chaffweed), and a Great Blue Heron bird rookery as environmental resources in the general vicinity of the defined search area. In this case, the township, range, and section of the proposed site, with an additional 1-mile buffer defined the area.

While the previously cited environmental resources have been identified within the general vicinity of the defined area, only the bull trout, toothcup, and great blue heron bird rookery were identified as being within the defined area. The kitchen creek mountain snail and chaffweed were identified well outside of the defined area and would therefore not be impacted by the proposed crushing/screening facility. While the bull trout, toothcup, and great blue heron bird rookery were identified as being within the defined area, the NRIS search did not indicate any species of special concern located directly on the proposed site. In addition, RBC currently holds an open cut mining permit for the proposed location and emissions from the portable crushing/screening facility would be temporary, seasonal, and widespread. Permit #3216-00 would include conditions limiting opacity from the facility and would require reasonable precautions to be taken to control emissions from haul roads, access roads, parking lots, and the general work area. Further, Permit #3216-00 would also limit total emissions from the portable crushing/screening facility and any additional RBC equipment operated at the same site to 250 tons per year or less.

As explained in Sections 7.A (Terrestrial and Aquatic Life and Habitats), 7.B (Water Quality, Quantity, and Distribution), and 7.H (Demands on Environmental Resource of Water, Air and Energy) of this EA, only minor impacts would be expected to water and its inhabitants. Furthermore, while deposition of pollutants would occur, the Department determined that any impacts from deposition would be minor due to the relatively small size and temporary nature of the operation, dispersion characteristics of pollutants and the atmosphere, and conditions placed in Permit #3216-00 (See Section 7.F of this EA). Overall, there would be only minor impacts (if any impacts) to any of the environmental resources that the NRIS search identified within the general vicinity of the defined area.

#### H. Demands on Environmental Resource of Water, Air, and Energy

The crushing/screening facility would require only small quantities of water and air for proper operation due to the relatively small size of the facility and conditions placed in Permit #3216-00. Small amounts of water would be used for dust control on the surrounding roadways and the associated job site. In addition, as described in Section 7.F. of this EA, air emissions generated

from the facility would have minor impacts on air quality in the immediate and surrounding area. However, the operation of the crushing/screening facility is seasonal. Seasonal operations would result in fewer demands on the environmental resource of water and air. Further, the facility utilizes a diesel generator to provide power to the facility; therefore, there would be no impact on energy demand in any given area of operation other than a minor demand on the non renewable energy source of diesel fuel. While the demand on the non-renewable resource of diesel fuel would increase, any impacts would be minor due to the seasonal nature of the operations and the relatively small size of the facility. Overall, the demands on the environmental resource of water, air, and energy would be minor.

#### I. Historical and Archaeological Sites

In an effort to identify any historical and archaeological sites that may be present in the area where the proposed crushing/screening facility would operate, the Department contacted the Montana Historical Society, State Historic Preservation Office (SHPO). SHPO indicated that there is one previously recorded historic site (Historic Bitterroot railroad grade) within the search locale and that there has been one cultural resource inventory (Gash Creek Timber Sale) done in the area. However, SHPO indicated that because RBC currently has an open cut mining permit for the location that RBC is proposing to originally operate the facility, there is low likelihood that cultural properties would be impacted and that a cultural resource inventory is unwarranted. Therefore, the chances that the proposed facility would impact any historical and archaeological sites would be minor.

#### J. Cumulative and Secondary Impacts

The crushing/screening facility would cause minor effects on the physical and biological aspects of the human environment because the facility would generate emissions of particulate matter, PM<sub>10</sub>, NO<sub>x</sub>, CO, SO<sub>x</sub>, and VOC. Conditions that would be placed in Permit #3216-00 would ensure that no air quality impacts, other than minor air quality impacts, would occur. Noise impacts would be minor due the seasonal and portable nature of the operation and the relatively small size of the facility. Impacts from noise would be seasonal and temporary because the crushing/screening facility is permitted as a portable source so the facility would typically move to other locations. Limitations would be established in Permit #3216-00 to minimize air pollution.

There is potential for other operations to locate at the same sites that the crushing/screening facility would use. However, any operations would have to apply for and receive the appropriate permits from the Department prior to operation. These permits would address the environmental impacts associated with the operations at the proposed site. The crushing/screening facility would be limited by Permit #3216-00 to total emissions of 250 tons per year or less from non-fugitive emission sources at any given site. Overall, any impacts to the physical and biological environment would be minor.

8. The following table summarizes the potential economic and social effects of the proposed project on the human environment. The “no action alternative” was discussed previously.

		Major	Moderate	Minor	None	Unknown	Comments Included
A.	Social Structures and Mores				X		yes
B.	Cultural Uniqueness and Diversity				X		yes
C.	Local and State Tax Base and Tax Revenue			X			yes
D.	Agricultural or Industrial Production			X			yes
E.	Human Health			X			yes
F.	Access to and Quality of Recreational and Wilderness Activities			X			yes
G.	Quantity and Distribution of Employment				X		yes
H.	Distribution of Population				X		yes
I.	Demands for Government Services			X			yes
J.	Industrial and Commercial Activity			X			yes
K.	Locally Adopted Environmental Plans and Goals				X		yes
L.	Cumulative and Secondary Impacts			X			yes

SUMMARY OF COMMENTS ON POTENTIAL ECONOMIC AND SOCIAL EFFECTS: The following comments have been prepared by the Department.

A. Social Structures and Mores

The crushing/screening facility would cause no disruption to native or traditional lifestyles or communities (social structures and mores) at any future site because of the relatively small size and temporary nature of the facility. In addition, it would be unlikely that the crushing/screening facility would have an impact on social structures and mores of any future area of operation because as explained in Section 1 of this EA, the facility would likely be operated in a previously disturbed industrial area typically used for such operations. Overall, there would be no impacts on social structures and mores as a result of operating the crushing/screening facility.

B. Cultural Uniqueness and Diversity

The crushing/screening facility would not impact the cultural uniqueness and diversity of the proposed area because of the relatively small size and temporary nature of the crushing/screening facility. In addition, it would be unlikely that the crushing/screening facility would have an impact on the cultural uniqueness and diversity of any future area of operation because as explained in Section 1 of this EA, the facility would likely be operated in a previously disturbed industrial area typically used for such operations. Overall, there would be no impacts on cultural uniqueness and diversity as a result of operating the crushing/screening facility and the predominant use of the surrounding areas would remain unchanged by this permit action.

C. Local and State Tax Base and Tax Revenue

The proposed crushing/screening facility would have little, if any effects on local and state tax base and tax revenue. The facility would be a temporary and seasonal source. Further, no additional full time or permanent employees are expected to be added as a result of issuing Permit #3216-00, and any revenue created by the crushing/screening facility would be widespread and would be for a relatively short time period.

D. Agricultural or Industrial Production

As explained in Section 1 of this EA, the crushing/screening facility would usually locate in a previously disturbed industrial area typically used for such operations. Therefore, the Department would not expect that the crushing/screening facility would affect or displace any agricultural land or production. Further, the crushing/screening facility would be small by industrial standards and would have only a minor impact on any local industrial production.

E. Human Health

Permit #3216-00 would incorporate conditions to ensure that the crushing/screening facility would be operated in compliance with all applicable rules and regulations. These rules and regulations are designed to be protective of human health. As described in Section 7.F. of this EA, the Department determined that any impacts from deposition of pollutants would be minor due to dispersion characteristics of air emissions and the atmosphere, and conditions placed in Permit #3216-00. Pollution controls and opacity limitations on the crushing/screening facility, associated equipment, and the surrounding operational area would minimize the air emissions from this facility. Therefore, any impacts to human health would be minor.

F. Access to and Quality of Recreational and Wilderness Activities

The crushing/screening facility would not affect any access to recreational and wilderness activities because, as explained in Section 1 of this EA, the facility would typically be operated in an existing industrial pit. However, minor effects on the quality of recreational activities might be created by noise from operating the equipment. Any impacts from the site would be minor and temporary due to the portable and seasonal nature of the crushing/screening facility.

G. Quantity and Distribution of Employment

Given the relatively small size and temporary nature of the operation, the quantity and distribution of employment in any given area would not be affected. No full time, permanent employees would be expected to be hired or discharged as a result of issuing Permit #3216-00.

H. Distribution of Population

Given the relatively small size and temporary nature of the operation, the operation of the crushing/screening facility would not disrupt the normal population distribution of any given area. The operation of the crushing/screening facility would not create new employment opportunities with RBC or with any surrounding businesses, so a change in population distribution would not occur.

#### I. Demands of Government Services

Government services would be required for acquiring the appropriate permits and ensuring compliance with the permits that would be issued. However, the government services required for this permit would be minor. There could be an increase in vehicle traffic resulting from the operation of the crushing/screening facility. However, any demands on government services to regulate the traffic would be minor due to the relatively small size and temporary nature of the operation. In addition, it would be unlikely that the crushing/screening facility would have an impact on demands of government services of any future area of operation because as explained in Section 1 of this EA, the facility would likely be operated in a previously disturbed industrial area typically used for such operations. Therefore, such operations would have only minor impacts to the demands on government services of any future site. Overall, the demand of government services would be minor.

#### J. Industrial and Commercial Activity

The crushing/screening facility would represent only a minor increase in the industrial activity in any given area due to the relatively small size of the operation. No additional industrial or commercial activity would result solely from the operation of the crushing/screening facility, but some of the product may be supplied to industrial and commercial sources. Any impacts to industrial and commercial activities of any given area would be minor due to the relatively small size and seasonal nature of the operation.

#### K. Locally Adopted Environmental Plans and Goals

The Department is unaware of any locally adopted environmental plans or goals in the area of the proposed site. The state standards identified in Permit #3216-00 would govern the proposed site, as well as any future site, and the environment surrounding the sites. Therefore, there would not be any impacts expected on locally adopted environmental plans and goals.

#### L. Cumulative and Secondary Impacts

Overall, impacts to the social and economic aspects of the human environment from this project would be minor because new businesses would not be drawn to the area and permanent jobs would not be created or lost due to the operation of the crushing/screening facility. Because no new employees would be hired due to the operation of the crushing/screening facility, there would be no economic impacts from new employees. In addition, any social and economic impacts would be minor and short-lived because of the relatively small size, and the seasonal and temporary nature of the operation.

Recommendation: An EIS is not required.

*If an EIS is not required, explain why the EA is an appropriate level of analysis:* Because this crushing/screening facility is a relatively small portable source and must use pollution controls and reasonable precautions to control emissions, there would be only minor impacts (if any impacts) from this project.

*Other groups or agencies contacted or which may have overlapping jurisdiction:* Montana Historical Society, State Historic Preservation Office (SHPO), Montana Natural Heritage Program, National Resource Information System (NRIS), and the Department of Environmental Quality, Industrial and Energy Minerals Bureau.

*Individuals or groups contributing to this EA:* Department of Environmental Quality Permitting and Compliance Division (Air and Waste Management Bureau and Industrial and Energy Minerals Bureau), SHPO, and NRIS

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